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U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

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Std 138

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 27 2004

NHTSA-04-19054-23

Mr. Raymonde Engelberg
EC-WTO-TBT Enquiry Point
European Commission
Enterprise Directorate-General, Unit F/1
FAX: +32 2 2998043

Dear Mr. Engelberg:

This responds to the request of the European Commission (EC) to extend the public comment period for the notice of proposed rulemaking (NPRM) for Federal Motor Vehicle Safety Standard (FMVSS) No. 138, Tire Pressure Monitoring System (TPMS). That NPRM, published in the Federal Register on September 16, 2004 (69 FR 55896), provides a 60-day comment period ending on November 15, 2004.

As you may be aware, the National Highway Traffic Safety Administration (NHTSA) had a statutory mandate to complete a rulemaking within two years that would require a TPMS in new light vehicles to warn the operator when any tire is significantly under-inflated. NHTSA issued a final rule on June 5, 2002 that established FMVSS No. 138, with a phase-in set to begin on November 1, 2003, in keeping with the statutory deadline (see 67 FR 38704). However, the standard was subsequently vacated by a decision of the U.S. Court of Appeals for the Second Circuit in Public Citizen v. Mineta (340 F.3d 39 (2d Cir. 2003)). As a result, NHTSA was required to re-issue the standard in conformity with the court's opinion.

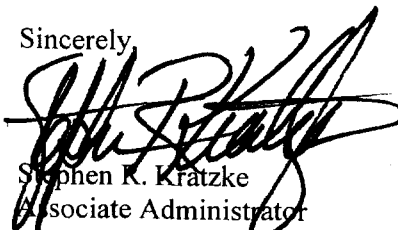
The NPRM issued on September 16, 2004 seeks to reintroduce FMVSS No. 138, in a manner consistent with the court's opinion and to also address issues raised in 13 petitions for reconsideration of the June 2002 final rule, most of which remained relevant after the court's decision. However, given the now passed statutory deadline, the agency is striving to move to a final rule as expeditiously as possible so as to minimize any further delay in implementation. Accordingly, we have decided not to extend the public comment period for the TPMS NPRM.



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However, as discussed in the NPRM, we will consider late comments to the extent possible (see 69 FR 55896, 55918). Obviously, the sooner comments are received, the more likely it will be that we will be able to respond to them in the final rule. I encourage the EC to submit its comments no later than December 15th. We thank you for your interest in NHTSA's rulemaking for TPMS.

Sincerely,



Stephen R. Kratzke
Associate Administrator
for Rulemaking

cc: Ms. Anne Meininger, NIST;
NHTSA Docket

Stas, Eric

From: Anne Meininger
Sent: Friday, October 15, 2004 11:21 AM
To: Jeffrey.Runge
Cc: Stas, Eric
Subject: European Economic Community request for extension of comment deadline date -- tire pressure monitoring systems

Hello Mr. Runge,

My office in the Department of Commerce is the World Trade Organization (WTO) Technical Barriers to Trade (TBT) Enquiry Point for the United States under the WTO TBT Agreement.

We received a request from the WTO TBT Enquiry Point in the European Economic Community (EEC) to extend the comment deadline on a NHTSA-proposed rule in order for EEC to have enough time to study the rule and return comments.

The proposed rule in question was published in the Federal Register on September 16, 2004 (Volume 69, Number 179), pages 55896-55927:

National Highway Traffic Safety Administration
49 CFR Parts 571 and 585
Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems; Controls and Displays; Proposed Rule

Text is online at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-20791.pdf>

EEC requests the comment deadline be extended from November 15, 2004 until December 15, 2004.

Please reply to me asap so that I may inform my EEC counterparts of your decision. FYI, it is customary to grant this type of request.

Please contact me if you have any questions.

Thank you very much for your help --
Anne Meininger
(USA/78)

Anne Meininger
WTO TBT U.S. Inquiry Point
National Center for Standards and Certification Information
National Institute of Standards and Technology

10/15/2004